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Attorney for the United States, Acting  
Under Authority Conferred by 28  
U.S.C. § 515

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-0568 MHP
	)	
Plaintiff,	)	
	)	PARTIES' JOINT REQUEST TO CONTINUE
v.	)	SENTENCING DATE AND <del>[PROPOSED]</del>
	)	ORDER
MARK JACOBSON,	)	
	)	
Defendant.	)	

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas Carlucci, that, subject to the Court's approval, the sentencing hearing presently set for October 18, 2010, be continued and set for sentencing hearing on March 28, 2011, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade

secrets, gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes standard terms of cooperation.

In light of continuing cooperation under the terms of the plea agreement, the parties jointly request that the sentencing status hearing on May 17, 2010, be continued for a sentencing hearing on October 18, 2010. Additional time is needed for the defendant to complete his cooperation with the government. Specifically, charges have now been filed against an alleged co-conspirator of the defendant, David Nosal. The Nosal case is numbered CR 08-0237 MHP. The United States has filed a notice of appeal in the Nosal case, and the case will not proceed to trial until that appeal is resolved. The defendant Jacobson is expected to testify in that trial. Because Mr. Jacobson will be required to testify at trial, his cooperation with the government's investigation is not yet complete.

For all of these reasons, the parties jointly request that this Court vacate the sentencing hearing presently set for October 18, 2010, and set a sentencing hearing for March 28, 2011, at 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report be calculated using the new sentencing date.

SO STIPULATED.

Dated: September 13, 2010

SCOTT N. SCHOOLS  
Attorney for the United States, Acting  
Under Authority Conferred by 28  
U.S.C. § 515

/s/  
\_\_\_\_\_  
KYLE F. WALDINGER  
Assistant United States Attorney

SO STIPULATED.

Dated: September 13, 2010

/s/  
\_\_\_\_\_  
THOMAS CARLUCCI  
Attorney for defendant Mark Jacobson

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing status hearing presently set for October 18, 2010, be continued to March 28, 2011, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 17th day September, 2010

